

REMARKS

Applicants submit this paper in response to the Final Office Action dated July 21, 2010, wherein (a) claims 1-7, 12, and 13 were pending; (b) claims 1-3, 6, 7, 12, and 13 were rejected as obvious over Robinson (US 6,376,563); and (c) claims 4 and 5 were rejected as obvious over Robinson in view of Van Erden (US 6,288,131).

By way of this paper, claims 1, 4, 12, and 13 are currently amended and claim 3 is canceled. Claim 1 is amended to recited the language of previously pending claim 3. Claims 4, 12, and 13 are merely amended to be consistent with base claim 1. No new matter is added.

Claims 1, 2, 4-7, 12, and 13 are pending and at issue.

CLAIM REJECTIONS

In the final Office Action, the examiner concedes that “[t]he difference between the prior art and the present invention is that Robinson teaches to decontaminate the thin and thick walled portions of the PET and then to separate them, while the present invention first separates them and then decontaminates them.” Nevertheless, the examiner concludes that such a reordering of processing steps is *prima facie* obvious based on MPEP 2144.04 IV.C, which cites *Ex parte Rubin*, 128 USPQ 440 (Bd. App. 1959), for the principle that claims that reverse the order of the prior art process steps are *prima facie* obvious absent new or unexpected results.

In the present instance, the applicants respectfully submit that the specific ordering of the process steps recited in claim 1 provides new results over the prior art because the process is more efficient and effective over the prior art process.

For example, claim 1 recites a method wherein the PET plastic flakes are first sorted into at least two partial quantities, and then the at least two partial quantities are subject to at least one decontamination treatment. It is very important to know that the thickness of the flakes is one core criteria of the decontamination process. As described in the background section of the application, depending on the thickness of the flakes, it can take more energy to diffuse the contaminants back out of the flakes during a recycling/decontamination process. For example, thicker flakes carry deeper contaminants and, as such, the decontamination processes require higher washing/drying temperatures and/or longer washing times, for example, each of which increases energy consumption and/or time and therefore cost.

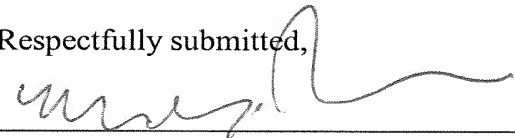
Because of these factors, which were not apparent prior to the present inventors' discovery, former processes such as the process disclosed by Robinson, performed decontamination before sorting and, as such, had to be perform decontamination for the "worst case." That means, the parameters in the prior art processes were set in a way to ensure that the thickest, most contaminated flakes were decontaminated. This was overkill and inefficient because the lesser contaminated flakes did not require such high temperatures, washing times, etc.

The presently claimed process therefore optimizes decontamination for different partial flake quantities, each having different thicknesses, as recited in amended claim 1. As mentioned, this new process results in a much more efficient process over the prior art, which is a new result over the teachings of Robinson. For at least this reason, the outstanding case of obviousness based on Robinson should be withdrawn. Additionally, the applicants submit that no *prima facie* case of obviousness can be based even in part on Robinson because Robinson did not even appreciate the inefficiencies in its process, which are alleviated by the present invention. Accordingly, in that regard, the applicants submit that the invention recited in claim 1 also provides unexpected results over the process disclosed by Robinson.

CONCLUSION

Applicants believe that each of the outstanding rejections, objections and/or other concerns have either been accommodated, traversed or rendered moot. Therefore, the applicant is in condition for Allowance. Should there be any outstanding issue that the office believes may be remedied via telephone conference, please contact the undersigned at 312-474-6300.

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Respectfully submitted,
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